

Remarks

Claims 1-17 are pending in this application. The numbered paragraphs below correspond to the Examiner's numbered paragraphs:

1./2/3. Claims 1-3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Michihata et al. (6,320,042).

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention, "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person" (see MPEP Section 706.02(l)(1)). A statement of an attorney of record can be sufficient evidence to establish common ownership (see MPEP Section 706.02(l)(2)).

As established by the enclosed Statement of Common Ownership, at the time the inventions of the current application were made, the inventions of the current application and Michihata et al. were owned by, or subject to an obligation of assignment to Konica Corporation. As a result, Michihata et al. is disqualified as prior art and should be removed as a reference. Accordingly, claims 1 is patentably allowable over the reference. Claims 2 and 3 depend from claim 1 and are therefore patentably allowable for at least the same reason. Withdrawal of the rejection is respectfully requested.

4. Claims 1-3 have been rejected under 35 USC § 103(a) as being unpatentable over JP 07020317. Applicants are submitting herewith a declaration filed under 37 CFR § 1.132. Experimental data comparing JP 07020317 to the embodiment of the present invention has been provided. Samples disclosed in JP 07020317 were prepared and

subjected to evaluation of the present invention. It was proven that the samples of JP 07020317 were inferior to the samples of the present invention. Based on the enclosed declaration, Applicants believe the claims are allowable over the cited reference and request removal of the rejection.

5. Claims 4, 5, 11, and 12 have been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 07020317, each in view of Russo (4,262,040). As indicated above, Michihata is disqualified as a reference. With respect to JP 0702317, applicants have provided a declaration illustrating superior results. Accordingly, claim 4 is patentable allowable over the combination of the cited references. Claims 5 and 11 depend from claim 4 and are patentably allowable for at least the same reason. Claim 12 depends from claim 1 and is therefore patentable allowable for at least the same reason. Withdrawal of the rejection is respectfully requested.

6. Claim 6 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317, each in view of Russo as applied to claims 4 and 5, and further in view of Cooprider et al. (US RE 37563). As indicated above, Michihata is disqualified as a reference. Claim 4 is patentable over JP0702317 in view of Russo. Cooprider et al. fail to cure this deficiency. Accordingly, claim 4 is patentable over the combination of the references. Claim 6 depends indirectly from claim 4 and is patentably allowable for at least the same reason.

7. Claim 7 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317, each in view of Russo as applied to claim 4, and further in view of Bekele (5,202,188). As indicated above, Michihata is disqualified as a reference. Claim 4 is patentable over JP 0702317 in view of Russo. Bekele fails to cure

this deficiency. Accordingly, claim 4 is patentable over the combination of the references. Claim 7 depends directly from claim 4 and is patentably allowable for at least the same reason.

8. Claim 9 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317, each in view of Russo as applied to claim 4, and further in view of Ueda et al. (5,698,614). As indicated above, Michihata is disqualified as a reference. Claim 4 is patentable over JP 0702317 in view of Russo. Ueda at al. fail to cure this deficiency. Accordingly, claim 4 is patentable over the combination of the references. Claim 9 depends directly from claim 4 and is patentably allowable for at least the same reason.

9. Claim 10 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317, each in view of Russo as applied to claim 4, and further in view of Honjo et al. (4,218,362). As indicated above, Michihata is disqualified as a reference. Claim 4 is patentable over JP 0702317 in view of Russo. Honjo at al. fail to cure this deficiency. Accordingly, claim 4 is patentable over the combination of the references. Claim 10 depends directly from claim 4 and is patentably allowable for at least the same reason.

10. Claim 13 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317, each in view of Russo as applied to claims 1 and 2, and further in view of Cooprider et al. As indicated above, Michihata is disqualified as a reference and claim 1 is patentable over JP 0702317. Russo and Cooprider at al. fail to cure this deficiency. Accordingly, claim 1 is patentable over the combination of the

references. Claim 13 depends indirectly from claim 1 and is patentably allowable for at least the same reason.

11. Claim 14 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317 as applied to claim 1, and further in view of Bekele. As indicated above, Michihata is disqualified as a reference and claim 1 is patentable over JP0702317. Bekele does not cure this deficiency. Accordingly, claim 1 is patentable over the combination of the references. Claim 14 depends directly from claim 1 and is patentably allowable for at least the same reason.

12. Claim 16 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317 as applied to claim 1, and further in view of Ueda et al. As indicated above, Michihata is disqualified as a reference and claim 1 is patentable over JP0702317. Ueda et al. do not cure this deficiency. Accordingly, claim 1 is patentable over the combination of the references. Claim 16 depends directly from claim 1 and is patentably allowable for at least the same reason.

13. Claim 17 has been rejected under 35 USC § 103(a) as being unpatentable over Michihata et al. or JP 0702317 each in view of Russo as applied to claims 4 and 11, and further in view of Honjo et al. As indicated above, Michihata is disqualified as a reference and claim 4 is patentable over JP0702317. Russo and Honjo et al. fail to cure this deficiency. Accordingly, claim 4 is patentable over the combination of the references. Claim 17 depends indirectly from claim 4 and is patentably allowable for at least the same reason.

Finally, Applicants submit that the plasticizer described in each reference is only known that the particular plasticizer can be applicable to the particular polymer. However, it is known that a plasticizer can be suitably used for selected kinds of polymer. As a result, one cannot expect to use the same plasticizer to any polymers. Moreover, there is no teaching that the plasticizer described in the references can be used with a cellulose film. It is particularly difficult to select an appropriate plasticizer with cellulose ester because of the peculiar structure of cellulose, i.e., having 6-membered rings. For example, solvents which dissolve acetyl cellulose show highly different solubility depending on the slightly different degree of acetylation of cellulose.

The invention of the present claim 1 is not achieved only by adjusting the amount of a plasticizer known in the art. It is essential to select an appropriate plasticizer to achieve the present invention. Selection of a solvent which is appropriate to cellulose of the present invention is not obvious from the cited references.

The plasticizers in the present claims are found to show a superior property as compared to other plasticizer when used in a cellulose film. In addition, the obtained cellulose film containing the plasticizer of the present claims are found to exhibit unexpectedly superior effects of increasing stability of the film when used for a protective film of a polarizing film. These features are not found in any one of the references cited by the Examiner.

The present invention described in claim 1 can also be achieved by selecting a drying process. A film of the present invention is preferably dried with maintaining the film width by the tenter method to enhance dimension stability (page 19, lines 6-8).

In light of the above and the enclosed declaration, withdrawal of the rejections and allowance of the claims is respectfully requested. If the Examiner has any question or concerns, the Examiner is invited to call the undersigned attorney of record.

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